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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,274	06/06/2001	Tandy G. Willeby	PAYT-26276	5164
23370 7590 06/17/2008 JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET ATLANTA, GA 30309				
EXAMINER				
PALIWAL, YOGESH				
ART UNIT		PAPER NUMBER		
2135				
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06/17/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/874,274

**Applicant(s)**

WILLEBY, TANDY G.

**Examiner**

YOGESH PALIWAL

**Art Unit**

2135

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 44, 46, 48, 51-54, 57, 59 and 62-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 44, 46, 48, 51-54, 57, 59 and 62-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

- Applicant's amendment filed on March 24, 2008 has been entered. Applicant has amended claims 44, 46, 48, 51, 52, 53, 54, 57, 59, 62, 63 and 64 and canceled claims 45, 47, 49, 50, 55, 56, 58, 60, 61, and 65-69. Currently claims 44, 46, 48, 51, 52, 53, 54, 57, 59, 62, 63, and 64 are pending in this application.

### **Docketing**

1. Please note that the application has been re-docketed to different examiner. Please refer all future communications regarding this application to the examiner of record using the information supplied in the final section of the office action.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 44 and 54 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 44, 46, 48, 51-54, 57, 59, 62-64 are rejected under U.S.C. 103(a) as being unpatentable over Jalili (US 6,209,104 B1), hereinafter Jalili in view of Blonder (US 5,559,961), hereinafter Blonder.

Regarding **Claim 44**, Jalili discloses a method for securely transmitting a code between a client to a server (see Abstract), comprising the steps of:

(a) receiving from a server a keypad entry image including a plurality key elements in a pseudo-random arrangement and displaying said keypad entry image to a user (See Figs. 4 and 5 and also see Column 6, lines 33-37);

(b) detecting selection by a user of one of the key elements associated with a portion of the code (see Column 8, lines 1-5), and determining at least one coordinate representing the location of said selected key elements within the said keypad entry image (see Column 7, lines 62-67);

(c) transmitting the at least one coordinate of said selected key element to the server (see Fig. 9, Numeral 940) and;

(d) repeating steps (a) through (c) (see Column 8, lines 1-15, and also claim 20 step f).

Jalili explicitly discloses repeating steps (a) through (c) for every icon in the password. However, Jalili does not explicitly discloses repeating these steps until it is determined that said selected key element is associated with a completion code.

Blonder discloses determining if the selected key element is associated with a completion code (see Fig. 2, Numeral 214).

Therefore, it would have been obvious at the time invention was made to one of ordinary skill in the art to determine, in the system of Jalili, if the selected key element is associated with a completion code as taught by Blonder so that server would count the number of characters in the password and only present the keypad image counted number of times thereby ensuring that enough keypad images are transferred to the user, for selecting his/her password.

Regarding **Claim 46**, the rejection of claim 44 is incorporated and the combination of Jalili and Blonder further discloses the system wherein the code comprises a variable length security code. Jalili suggests a security code of variable length (column 7 lines 45-55) because the representation of the last code is written as  $n$  in, where  $n$  is a variable.

Regarding **Claim 48**, the rejection of claim 44 is incorporated and the combination of Jalili and Blonder further discloses wherein the code comprises a PIN (see Jalili, Column 8, lines 20-23).

Regarding **Claim 51**, the rejection of claim 44 is incorporated and the combination of Jalili and Blonder further discloses wherein the at least one coordinate corresponds to a cursor position generated by said user selection (see Jalili, Column 7, lines 62-65).

Regarding **Claim 52**, the rejection of claim 53 is incorporated and the combination of Jalili and Blonder further discloses the step of receiving a confirmation of an authentication of the code, after it is determined that said selected key element is associated with a completion code (see Jalili, column 9, lines 40-57, and also see

Blonder, Fig. 2, Numeral 214 and the combination as suggested in the rejection of claim 44).

Regarding **Claim 53**, the rejection of claim 44 is incorporated and the combination of Jalili and Blonder further discloses wherein the key elements comprise alpha-numeric characters (see Jalili, Column 8, lines 20-31).

Regarding **Claim 54**, Jalili discloses a method for securely transmitting a code between a client and a server, comprising the steps of:

(a) generating a keypad entry image including a plurality key elements in a pseudo-random arrangement and transmitting said keypad entry image to a client device for display to a user (See Figs. 4 and 5 and also see Column 6, lines 33-37);

(b) receiving from said client device at least one coordinate representing the location of a key element within said keypad entry image as selected by the user (see Column 8, lines 1-5), said selected key element associated with a portion of the code (see Column 7, lines 62-67);

(c) processing the at least one coordinate to determine the portion of the security code associated with selected key element (Column 8, lines 62-65);

(d) repeating steps (a) through (c) (see Column 8, lines 1-15, and also claim 20 step f).

Jalili explicitly discloses repeating steps (a) through (c) for every icon in the password. However, Jalili does not explicitly discloses repeating these steps until it is determined that said selected key element is associated with a completion code.

Blonder discloses determining if the selected key element is associated with a completion code (see Fig. 2, Numeral 214).

Therefore, it would have been obvious at the time invention was made to one of ordinary skill in the art to determine, in the system of Jalili, if the selected key element is associated with a completion code as taught by Blonder so that server would count the number of characters in the password and only present the keypad image counted number of times thereby ensuring that enough keypad images are transferred to the user, for selecting his/her password.

the combination of Jalili and Blonder further discloses that in response to the determination that said selected key element is associated with the completion code, combining each determined portion of the code to construct the code and validating the code (see Jalili, Column 8, lines 1-15, "memorized order" and also see Blonder, Fig. 2, Numerals 218 and 219).

Regarding **Claim 57**, the rejection of claim 54 is incorporated and the combination of Jalili and Blonder further discloses the system wherein the code comprises a variable length security code. Jalili suggests a security code of variable length (column 7 lines 45-55) because the representation of the last code is written as  $n$  in, where  $n$  is a variable.

Regarding **Claim 59**, the rejection of claim 54 is incorporated and the combination of Jalili and Blonder further discloses wherein the code comprises a PIN (see Jalili, Column 8, lines 20-23).

Regarding **Claim 62**, the rejection of claim 54 is incorporated and the combination of Jalili and Blonder further discloses wherein the at least one coordinate corresponds to a cursor position generated by said user selection (see Jalili, Column 7, lines 62-65).

Regarding **Claim 63**, the rejection of claim 54 is incorporated and the combination of Jalili and Blonder further discloses the step of authenticating the user based on the validation of the code (see Jalili Column 10, lines 7-15).

Regarding **Claim 64**, the rejection of claim 54 is incorporated and the combination of Jalili and Blonder further discloses wherein the key elements comprise alpha-numeric characters (see Jalili, Column 8, lines 20-31).

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOGESH PALIWAL whose telephone number is (571)270-1807. The examiner can normally be reached on M-F: 7:30 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. P./

Examiner, Art Unit 2135

/KIMYEN VU/

Supervisory Patent Examiner, Art Unit 2135